United Nations

A/53/383

General Assembly

Distr.: General
24 August 1998

Original: English

Fifty-third session
Item 105 of the provisional agenda*
International drug control

Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Report of the Secretary-General

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I. Introduction

1. The General Assembly, in its resolution 51/64, section VII, of 12 December 1996, on international action to combat drug abuse and illicit production and trafficking, requested the Secretary-General to submit to the Assembly at its fifty-third session an updated report on the status of the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[1]

2. The present report, prepared pursuant to General Assembly resolution 51/64, reviews the implementation of the 1988 Convention over a two-year period, from 1 July 1996 to 30 June 1998.

II. Status of adherence to the 1988 Convention

A. Ratifications and accessions

3. The General Assembly, in its resolution 51/64, section II, urged States to ratify or accede to the 1988 Convention, as well as to the other main international drug control treaties, namely, the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol[2] and the Convention on Psychotropic Substances of 1971.[3]

4. As at 30 June 1998, 164 States were parties to the Single Convention on Narcotic Drugs of 1961[4] or to that Convention as amended by the 1972 Protocol,[5] 157 States were parties to the 1971 Convention and 147 were parties to the 1988 Convention (see annex). During the reporting period, ratification or accession to the international drug control treaties evolved as follows: 13 States[6] became parties to the 1961 Convention as amended by the 1972 Protocol (either by directly becoming parties to the 1961 Convention as amended or, for those that had been parties to the 1961 Convention only, by becoming parties to the 1972 Protocol); 11 States[7] became parties to the 1971 Convention; and 13 States[8] became parties to the 1988 Convention.

B. Reservations[9]

5. Some of the States that became parties to the 1988 Convention during the reporting period formulated reservations to specific provisions. Besides reservations concerning the referral of disputes to the International Court of Justice (made pursuant to article 32, paragraphs 2 and 3, of the 1988 Convention), the following reservations and declarations were formulated:

(a) Austria, on 11 July 1997, stated its interpretation of the reference in paragraph 1 of article 2 (Scope of the Convention) to the fundamental provisions of parties' respective domestic legislative systems, as well as of the scope of the obligations established in paragraphs 1 and 2 of article 3 (Offences and sanctions);

(b) Belize, on 24 July 1996, defined the limits set by its constitution and legal system to its ability to implement article 8 (Transfer of proceedings);

(c) Lebanon, on 11 March 1996, made reservations: (a) to paragraph 3 of article 5 (Confiscation), which requires the parties, notwithstanding any bank secrecy legislation, to ensure that bank, financial or commercial records are available for examination or seizure for the purposes of domestic as well as international confiscation of proceeds of illicit drug trafficking; and (b) to paragraphs 2 (f) and 5 of article 7 (Mutual legal assistance), which have similar requirements in the context of mutual legal assistance;

(d) In March and April 1997, objections to Lebanon's reservations were made by Austria, Finland, France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland, on the basis that the 1988 Convention provides that bank secrecy shall not be a ground for declining to act or to render assistance. In essence, they all considered the reservations to be contrary to or to undermine the object and purpose of the Convention. None of the objecting parties used its objection as a basis for precluding the entry into force of the Convention between itself and Lebanon;

(e) Singapore, on 23 October 1997, declared in relation to paragraph 3 of article 6 (Extradition) that it would not consider the 1988 Convention as the legal basis for extradition of offenders;

(f) Viet Nam, on 4 November 1997, entered a reservation on article 6 (Extradition) as a whole.

6. Also noteworthy during the reporting period is the withdrawal by Colombia, on 30 December 1997, of one of the reservations made upon ratification, concerning the prohibition on extradition of Colombians by birth, as well as the withdrawal by the Philippines, on 24 July 1997, of all the reservations that it had formulated upon ratification,

which concerned article 4 (Jurisdiction), article 5 (Confiscation) and article 6 (Extradition).

7. Although some of the reservations formulated during the reporting period concern provisions that are subject to safeguard clauses or that leave a wide discretion to parties for their implementation, others relate to mandatory provisions of the 1988 Convention and raise the question of their compatibility with the object and purpose of the Convention. Since the 1988 Convention, unlike the 1961 Convention and 1971 Convention, does not include a clause on reservations, the matter is left for parties to decide in accordance with the rules of international law relative to reservations (as embodied in the Vienna Convention on the Law of Treaties[10]).

III. Implementation of the 1988 Convention by States parties

A. Legislation enacted to give effect to the 1988 Convention

8. The General Assembly, in its resolution 51/64, section II, called upon all States to adopt adequate national laws and regulations, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with the international drug control treaties. Texts of drug control laws and regulations provided by States to the Secretary-General are published by the United Nations International Drug Control Programme (UNDCP) in the E/NL. series of documents. Legislation adopted and published during the reporting period includes the following: amendments in lists of controlled substances, usually to bring the domestic scope of control into line with treaty provisions; comprehensive drug control laws dealing with the organization of licit drug-related activities, the prohibition and repression of illicit activities and the treatment and rehabilitation of drug abusers; and amendments to penal codes providing for more severe penalties for drug trafficking or establishing new forms of criminal offences.

9. With regard to the control of illicit drug proceeds, States have continued to enact laws providing for the following: the detection and repression of money-laundering activities; the confiscation of proceeds; the provision of mutual legal assistance in criminal matters, including drug-related offences; and the establishment of precursor control mechanisms. Concerned that control by law enforcement agencies alone would not adequately deal with the prevention and detection of money-laundering activities, a number of States have passed regulations that require financial service providers: (a) to establish the identity of their clients, including the identity of the true beneficiary where it appears that the client is acting on behalf of someone else, before providing such clients with financial services; (b) to report suspicious financial transactions to law enforcement agencies, notwithstanding bank secrecy provisions; (c) to keep records for inspection by law enforcement agencies, for a specified period; and (d) to provide training to their employees responsible for carrying out the obligations referred to above.

10. While there has been a slight improvement in the enactment of legislation against money-laundering, some States continue to offer safe havens for drug traffickers and other persons engaged in money-laundering by maintaining overriding bank secrecy laws. The need for such States to abrogate bank secrecy laws with regard to suspicious financial transactions and to enact and enforce comprehensive legislation against money-laundering and in favour of asset forfeiture is crucial to the effective implementation of the international drug control treaties. While the need for confidentiality is recognized, making bank secrecy laws override the need to investigate and examine bank records of persons suspected or convicted of money-laundering is not only an impediment to effective domestic implementation of the 1988 Convention, but it also hampers international cooperation in the context of mutual legal assistance, particularly with regard to the tracing, seizing and confiscation of assets and proceeds derived from drug trafficking.

11. Concerning the confiscation of proceeds derived from drug-related crimes, in some countries laws have been introduced allowing such proceeds to be shared with the jurisdictions whose law enforcement agencies participated in the investigations of the offences leading to the forfeiture, as well as providing for the sharing of such funds with domestic agencies. In some countries, the onus of proof regarding the lawful origin of proceeds liable to forfeiture has also been reversed and the presumption of innocence in respect of possession of illicit articles has been removed.

12. In a number of countries, institutional changes have been introduced to promote better drug control, such as the establishment of interministerial boards to coordinate national drug control policies and prosecution offices specializing in drug-related crime. Other examples included

an ad hoc tribunal to investigate allegations of improper supply or prescription of dangerous drugs and a national reference laboratory to undertake research on controlled substances and the applicable international controls. In some countries, central authorities have been designated to deal with requests for judicial assistance from other countries, such as mutual legal assistance and extradition. Some laws deal with procedures for providing and requesting mutual legal assistance, such as serving documents, collecting evidence, enforcing confiscation orders at the request of other countries and transferring prisoners to give evidence abroad. Other laws deal with the investigation, reporting and prosecution of offences involving trafficking by sea, in cases outside territorial waters where ships were flying the flag of another party or were not flying any flag or displaying any mark of nationality.

13. The laws of many countries show a greater acknowledgement of the dangers associated with organized drug trafficking groups. Many of the laws have increased the penalties for aggravating circumstances, such as illicit drug trafficking offences committed by persons involved in organized criminal groups, as well as for other factors such as involving minors in illicit drug trafficking or consumption. Some laws provide for the protection of witnesses, as well as the use of undercover agents in related investigations and the use of controlled delivery. Information gathering powers have been widened in some countries, for example, to include wire-tapping. Anti-corruption measures have been introduced in some jurisdictions.

14. In a number of countries reduced or suspended sentences have been introduced, together with rehabilitation or detoxification treatment for drug-dependent offenders, whether compulsory or voluntary, in cases where offenders were carrying small quantities of illicit drugs for personal use.

B. Reports on requests made or received by parties pursuant to article 5, paragraph 4, and articles 6 and 7 of the 1988 Convention

15. Since 1995 and in response to an increasing number of inquiries addressed to UNDCP concerning three articles of the 1988 Convention, the Programme has been sending a special questionnaire to States on: (a) the implementation of article 5, paragraph 4, requesting them to indicate whether they have received or made any requests for confiscation of proceeds, property, instrumentalities or any other things used in or intended for use in any manner in offences established in accordance with article 3, paragraph 1, of the Convention; (b) the implementation of article 6, concerning extradition for drug-related offences; and (c) the implementation of article 7, concerning mutual legal assistance in investigations, prosecutions and judicial proceedings related to drug offences. In all instances, States have been requested to provide details concerning the name of the requesting or the requested State, whether the request was granted, and follow-up action, if any.

16. In comparison with the responses sent by States for 1995, there was a slight improvement in the responses received for 1996 and 1997. However, a number of States returned the questionnaire without attempting to answer any of the questions, while some returned incomplete answers, which made it difficult to assess the extent of implementation. For 1996, 61 States sent the questionnaire, but 32 of them reported not having made or received requests under the articles concerned. For 1997, only 22[11] States had returned the questionnaire at the time the report was being drafted, and 6 of them had reported not having made or received requests under the articles concerned.

17. In relation to article 5, paragraph 4, six States reported for 1996 having made requests for confiscation, while for 1997 only four have been reported so far. The requests made or received include restraining orders and orders for the confiscation of property or proceeds derived from illicit drug trafficking.

18. In relation to article 6, 35 States made or received requests for extradition for 1996, while for 1997 only 7 have been reported so far. A few States reported, however, that they could not furnish statistics for extradition for drug-related offences as their records made no such distinctions. One State reported that a request for extradition that was being processed was discontinued because the person whose extradition was requested was subsequently naturalized in the requested State. The requested State concerned does not extradite its own nationals.

19. In relation to article 7, 20 States reported having received or made requests for mutual legal assistance for 1996, while for 1997 only 8 have been reported so far. The requests range from tracing property derived from drug trafficking, locating witnesses, taking evidence and, in some instances, providing evidence before courts of

requesting States. Other States reported having made or received requests for service of judicial documents.

C. Implementation of article 12 of the 1988 Convention

20. In considering the report of the International Narcotics Control Board for 1997 on the implementation of article 12 of the 1988 Convention,[12] the Commission on Narcotic Drugs noted that many Governments had made a renewed commitment to chemical control and had become increasingly active in taking the necessary steps to monitor precursors and to develop and further strengthen controls.[13] It was noted that the successful actions taken by Governments in preventing diversions had made it possible to obtain a clearer picture, sometimes for the first time, of the methods and routes of diversion of precursors, and of developing trends in illicit drug manufacture.[14] Successes achieved in preventing the diversion of scheduled substances had led traffickers to turn to more easily available chemicals that were not subject to control.[15]

21. The Commission recognized the need to evaluate and review controls continuously. It also recognized the importance of establishing and using working systems to share and check information on shipments of scheduled substances to verify their legitimacy. It was pleased to note that Governments, in general, were willing to exchange the required information.[16] However, it also recognized that still more uniform action was required by more States.[17] Governments were urged to use all means at their disposal to monitor scheduled substances to the greatest possible extent, whatever their destination.[18]

IV. Activities undertaken by the United Nations International Drug Control Programme to implement the 1988 Convention

A. Provision of legal assistance to Member States

22. The General Assembly, in its resolutions 51/64, section II, and 52/92, section II, of 12 December 1997, requested UNDCP to continue to provide legal assistance to Member States that request it in adjusting their national laws, policies and infrastructure to implement the international drug control conventions, as well as assistance in training personnel responsible for applying the new laws.

23. During the reporting period, legislative assistance was provided to 29 States or areas.[19] The legislative assistance typically included advice on laws and legal infrastructure needed, training national drafters, preparing first drafts to speed up the legislative process and advocacy to secure adequate political commitment for adoption and application of the new laws.

24. Much work remains to be done to secure successful adoption and application of outstanding legislative proposals, particularly in States constituting a significant weak link in global law defences, and in States with economies in transition and with legal and administrative infrastructure that is not yet developed enough. For other States, most amending laws are now in place or well advanced in the legislative process.

25. The legal assistance priorities of UNDCP are increasingly shifting from accession and legislation development to full and effective implementation. For example, new initiatives were taken during the reporting period to launch subregional justice system training for judges, magistrates and prosecutors in southern Africa and south-east Asia, in addition to the renewed justice training initiative in Central America and the Caribbean.

B. Commentary on the 1988 Convention

26. At the time that the present report was being drafted, the commentary on the 1988 Convention was being finalized for printing. The Economic and Social Council, in its resolution 1993/42 of 27 July 1993, requested the Secretary-General to prepare a commentary on the 1988 Convention that might assist States in their interpretation of that Convention and in contrast with the commentaries on the 1961 Convention,[20] on the 1972 Protocol amending that Convention[21] and on the 1971 Convention,[22] might assist States in their effective implementation of that Convention.

27. Accordingly, the commentary on the 1988 Convention, which is being finalized for printing, has been organized along somewhat different lines than the other commentaries. In addition to the exegesis of the final text of the 1988 Convention (a standard feature in legal commentaries), a section on implementation considerations has been included whenever appropriate. The con-

siderations reflect States' practices and present examples of practical application measures in use or recommended by various government agencies or authoritative international bodies.

C. Activities of the global programme against money-laundering

28. Within the framework of the global programme against money-laundering, which was initiated in 1997, the implementation of a series of projects, designed in cooperation with UNDCP and the Centre for International Crime Prevention, has begun. The global programme is currently being operated under the auspices of the Office for Drug Control and Crime Prevention of the Secretariat.

29. The principal focus of the global programme is technical assistance, including training for judicial, financial and law enforcement personnel, the establishment of financial intelligence units, the drafting of legislation and the promotion of judicial cooperation, which is done with the assistance of the UNDCP Legal Advisory Group. The global programme also involves research and analysis of various aspects of money-laundering, particularly in an international context, including areas such as bank secrecy, the role of financial centres, burden of proof in confiscation proceedings, and developments in legislation.

30. The strategic activities of the global programme are designed to assist Member States in establishing effective prevention and detection measures. Specifically, a key step is the enactment of comprehensive legislation that penalizes money-laundering, provides for the confiscation of the proceeds of crime and allows for, *inter alia*, international cooperation, thus enabling States to meet their obligations under articles 3 and 5 of the 1988 Convention. Furthermore, the financial sector must be equipped to implement ethical business standards, both as a deterrent to money-laundering and as an invaluable means of conducting successful financial investigations. The establishment of financial intelligence units is a vital measure for attacking money-laundering, particularly as it facilitates cooperation in investigations at both the national level and the international level. It is also important for professionals in the judicial, financial and law enforcement sectors to be adequately trained to carry out the specific roles that they play in countering money-laundering.

D. Implementation of article 17 of the 1988 Convention: pilot project on maritime drug law enforcement training and model legislation

31. Article 17 of the 1988 Convention provides cooperative measures for the suppression of illicit drug trafficking by sea. The Commission on Narcotic Drugs, in its resolution 8 (XXXVIII), endorsed the report of the meeting of the Working Group on Maritime Cooperation, held at Vienna from 19 to 23 September 1994 and from 20 to 24 February 1995. The Working Group had emphasized a need for common standard training curricula designed to promote a consistent international approach to maritime law enforcement. To facilitate the implementation of article 17 of the 1988 Convention and pursuant to Commission resolution 8 (XXXVIII), UNDCP is undertaking a pilot project on maritime drug law enforcement training and model legislation. The project has two parts: the development of a UNDCP training guide for boarding officers and the development of model legislation.

32. During the reporting period, two meetings of experts on maritime drug law enforcement training were held at Vienna: one from 1 to 4 October 1996 and the other from 27 to 29 January 1997. The purpose of the meetings was to elaborate a training guide for law enforcement officers engaged in the prevention of illicit drug trafficking by sea. The training guide was tested at the UNDCP Asia-Pacific Training Seminar on Maritime Drug Law Enforcement, hosted by the Government of Japan at Yokohama, Japan, from 27 to 31 October 1997. The first regional training seminar of its kind, its purpose was to review the UNDCP draft guide and to further develop international cooperation against illicit drug trafficking by sea in the region. Participants were invited to provide any comments or additional materials before the guide was finalized and published, initially in English and French. As a further outcome of the Seminar, work has begun on gauging the interest of States in establishing an informal correspondence group in the region to foster greater cooperation between competent authorities.

33. In addition, an informal correspondence group has been established to share experiences and expertise concerning maritime drug enforcement legislation, including the establishment of ship registries. Considerable material has already been exchanged within the group and will form the basis of legislative and procedural guidelines.

34. Furthermore, the International Maritime Organization, in cooperation with UNDCP, has begun a project in Latin America and the Caribbean aimed at developing a model training course on combating illicit trafficking by sea.

V. Activities undertaken by the Department of Public Information of the Secretariat to disseminate information on the 1988 Convention

35. The Department of Public Information of the Secretariat has continued to draw attention to the 1988 Convention, pursuant to General Assembly resolutions 47/97 of 16 December 1992 and 49/168 of 23 December 1994. During the period under review, the Department has focused its efforts on promoting awareness of the role of the 1988 Convention in international drug control activities in connection with the annual report of the International Narcotics Control Board and the twentieth special session of the General Assembly held from 8 to 10 June 1998.

36. To publicize the reports of the International Narcotics Control Board for 1996 and 1997, the Department produced press information kits and organized press conferences at Headquarters and at selected locations around the world. The importance of the 1988 Convention was prominently featured in media outreach activities and interviews with Board members. Through its information centres and services, the Department promoted the observance of 26 June as the International Day against Drug Abuse and Illicit Trafficking, once again drawing attention to the critical role of international treaties, including the 1988 Convention, in the fight against illicit drugs.

37. In the run-up to the special session, the Department worked closely with UNDCP to produce a press information kit that reflected the role of the 1988 Convention in measures to combat money-laundering and to control the illicit supply of narcotic drugs and psychotropic substances. Particular emphasis was given to the need for the elimination of bank secrecy in drug-related investigations and to the importance of international cooperation and measures such as controlled delivery in the suppression of illicit drug trafficking.

38. In addition to drawing attention to the 1988 Convention and its provisions in fact sheets and background articles for the special session, the Department also featured the Convention in an exhibit for the special session, produced in cooperation with UNDCP. The exhibit, which was displayed in the lobby of the General Assembly after the special session, will be shipped to the United Nations Office at Vienna for display there.

39. Information on the 1988 Convention was also included by the Department in its central and regional radio programme coverage of the special session in the six official languages of the United Nations. A four-part special United Nations radio documentary in other languages was also released in the run-up to the special session. Television coverage of the session was provided by the Department, and three "UN in Action" television programmes were filmed, produced and distributed in five languages to broadcasters in more than 100 countries worldwide to publicize the special session.

40. At Headquarters and at United Nations information centres and services around the globe, the Department carried out extensive media contact and outreach activities to promote the special session, highlighting the importance of the 1988 Convention and resulting in widespread media coverage of the special session.

VI. Action plans and measures adopted by the General Assembly at its twentieth special session

41. At the twentieth special session of the General Assembly, Governments reaffirmed their commitment to concerted global action and adopted, *inter alia*: an action plan against illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors; an action plan for the control of precursors; measures to promote judicial cooperation; principles for countering money-laundering; and an action plan on international cooperation on the eradication of illicit drug crops and on alternative development.

A. Action plan against illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors

42. The global awareness of the problem of amphetamine-type stimulants is limited. The General Assembly, in the action plan against illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors, stressed the need for the international community, including international and regional bodies, to give higher priority to combating that problem in all its aspects. It set out a strategy for raising awareness of the problem of amphetamine-type stimulants, reducing the demand for those stimulants, limiting their supply and strengthening the control of those stimulants and their precursors. The Assembly resolved that the subject of amphetamine-type stimulants should become a regular item on the agenda of the Commission on Narcotic Drugs.

B. Action plan for the control of precursors

43. In the action plan for the control of precursors, reference was made to the need for more uniform application of existing measures of control by States, cooperation with competent international and regional bodies and, if necessary, and to the extent possible, with the private sector. In addition, the action plan called for expanding the application of measures related to information exchange, measures similar to those already existing for substances in Table I of the 1988 Convention, to include acetic anhydride and potassium permanganate, two substances in Table II of the Convention that are critical for the illicit manufacture of heroin and cocaine, respectively.

44. In adopting the action plan, States have moved forward in accepting proposals to prevent the increasing diversion of non-scheduled substances for use in illicit drug manufacture and to consider as criminal offences, with appropriate sanctions, activities related to such diversion. The latter proposal is considered by law enforcement agencies to be of crucial importance. The International Narcotics Control Board completed the necessary preparatory work to establish a limited international special surveillance list, pursuant to Economic and Social Council resolution 1996/29, section I, of 24 July 1996, as a means of monitoring some of the most important of those non-scheduled substances.

C. Measures to promote judicial cooperation

45. In adopting measures to promote judicial cooperation, the General Assembly at its twentieth special session made a number of practical recommendations concerning extradition, mutual legal assistance, transfer of proceedings, other forms of cooperation, controlled delivery, and illicit traffic by sea.

1. *Extradition*

46. With regard to extradition, it was recommended that States should, *inter alia*, subject to constitutional provisions and international drug control treaties, consider extraditing their nationals for serious drug offences on agreement that they would be surrendered for prosecution, but that they could be returned to serve any sentences imposed in their State of nationality. It was also recommended that States should reconsider other traditional exceptions to extradition, especially in cases involving serious crimes.

2. Mutual legal assistance

47. In the area of mutual legal assistance, it was recommended that States should, among other things, ensure that their domestic legislation enabled them to implement article 7 of the 1988 Convention and should consider the use of telephone and video link technology for obtaining witness statements and testimony, provided they were secure and consistent with their domestic legal systems.

3. Transfer of proceedings

48. It was also recommended that States should, *inter alia*, consider enacting the legislation necessary to transfer or receive proceedings in criminal matters and should consider whether it would be useful to enter into agreements with other States having similar legal systems to transfer or receive such proceedings and, in that connection, should refer to the Model Treaty on the Transfer of Proceedings in Criminal Matters (General Assembly resolution 45/118, annex, of 14 December 1990) as a basis for negotiations.

4. Other forms of cooperation and training

49. It was also recommended that States should, *inter alia*, consider methods of enhancing cooperation between law enforcement agencies; improve the sharing of intelligence; strengthen cooperation not only among law enforcement agencies but also among judicial authorities; and cooperate as appropriate with neighbouring States through agreements to ensure that their inland waters were not used for illicit traffic.

5. Controlled delivery

50. It was also recommended that States should, among other things, if permitted by the basic principles of their respective domestic legal systems, ensure that their legislation, procedures and practices allowed for the use of the technique of controlled delivery at both the domestic and international levels, subject to agreements, arrangements and understandings, and that States should consider entering into agreements and arrangements with other States, especially neighbouring States, to facilitate the use of controlled delivery; or consider that possibility on a case-by-case basis.

6. Illicit traffic by sea

51. Concerning illicit trafficking by sea, it was recommended that States should review national legislation to ensure that the relevant requirements of the 1988 Convention were met. It was also recommended that States should review communication channels and procedures between competent national authorities to facilitate coordination and cooperation and ensure rapid responses. States should also promote regional cooperation in maritime drug law enforcement through bilateral and regional meetings, provide training to law enforcement personnel in maritime drug law enforcement and promote common maritime law enforcement procedures through the use, where appropriate, of the draft maritime drug law enforcement training guide of UNDCP.

D. Principles for countering money-laundering

52. As regards the problem of money-laundering, the General Assembly urged all States to implement the provisions against money-laundering contained in the 1988 Convention and other international instruments against money-laundering by applying the following principles:

(a) Establishment of a legislative framework to criminalize the laundering of money derived from serious crimes in order to provide for the prevention, detection, investigation and prosecution of the crime of money-laundering, through, among other things, international cooperation and mutual legal assistance in cases involving money-laundering;

(b) Establishment of an effective financial and regulatory regime to deny criminals and their illicit funds access to national and international financial systems, thus preserving the integrity of financial systems worldwide and ensuring compliance with laws and other regulations against money-laundering, through, *inter alia*, the mandatory reporting of suspicious transactions and the removal of bank secrecy impediments to efforts directed at preventing, investigating and punishing money-laundering;

(c) Implementation of law enforcement measures for, *inter alia*, the effective detection, investigation, prosecution and conviction of criminals engaging in money-laundering activities.

E. Action plan on international cooperation on the eradication of illicit drug crops and alternative development

53. Recognizing that effective crop control strategies could entail a variety of approaches, including alternative development, law enforcement and eradication, the General Assembly advocated the following objectives for strategies, programmes and international cooperation to ensure the effectiveness of the common efforts to reduce the illicit production of narcotic drugs and psychotropic substances: a balanced approach to confront high levels of illicit cultivation; strengthening of international cooperation for alternative development; improved and innovative approaches to alternative development; enhancing monitoring, evaluation and information-sharing; and law enforcement in controlling illicit crops.

54. The General Assembly urged States in which illicit cultivation of drug crops (the opium poppy, the coca bush or the cannabis plant) existed to develop national strategies for the reduction and elimination of illicit crops and to

develop and implement national plans for alternative development.

55. Recognizing that the success of alternative development programmes depended on the long-term political and financial commitment of both the Governments of the affected countries and the international community to supporting integrated rural development, the General Assembly recommended that the international community and the relevant United Nations organizations, in particular UNDCP, should assist States in countering illicit drug production by providing adequate financial and technical assistance for alternative development, with the objective of reducing and eliminating illicit drug crops.

56. The General Assembly also recommended that alternative development programmes and international cooperation for that purpose should, among other things: (a) contribute to the creation of sustainable social and economic opportunities through integrated rural development; (b) contribute to the promotion of democratic values to encourage community participation, and promote social responsibility to develop a civic culture that would reject the illicit cultivation of crops; and (c) incorporate the gender dimension by ensuring equal opportunities for women and men to participate in the development process. The Assembly also recommended that, in order to ensure that alternative development was sustainable, participatory approaches based on dialogue and persuasion and including the community as a whole, as well as relevant non-governmental organizations, should be applied in the identification, preparation, implementation, monitoring and evaluation of alternative development.

57. In order to improve the gathering of information on trends in the cultivation and production of illicit drug crops and on the impact of alternative development programmes and to increase cooperation at policy and operational levels, the General Assembly recommended that Governments in the producing areas should, *inter alia*, design efficient and accurate monitoring and verification mechanisms using the most efficient, cost-effective and accessible data collection methods available. In addition, Governments should implement follow-up and evaluation systems to enable them to monitor the qualitative and quantitative impact of alternative development programmes. Furthermore, Governments should share information on illicit drug crop assessment with UNDCP and reciprocally with other Governments in order to increase cooperation aimed at eliminating such cultivation.

Notes

[1] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[2] United Nations, *Treaty Series*, vol. 976, No. 14152.

[3] Ibid., vol. 1019, No. 14956.

[4] Ibid., vol. 520, No. 7515.

[5] Of those 164 States, 13 were parties to the 1961 Convention only.

[6] Bulgaria, El Salvador, Estonia, Kazakhstan, Lebanon, Mozambique, Namibia, Russian Federation, Sao Tome and Principe, Saudi Arabia, Tajikistan, Viet Nam and Zambia.

[7] Austria, Estonia, Georgia, Indonesia, Kazakhstan, Lao People's Democratic Republic, Namibia, Oman, Sao Tome and Principe, Tajikistan and Viet Nam.

[8] Austria, Belize, Benin, Botswana, Georgia, Hungary, Iceland, Ireland, Kazakhstan, Libyan Arab Jamahiriya, Sao Tome and Principe, Singapore and Viet Nam.

[9] For a list of all reservations, declarations, understandings, objections and withdrawals relating to the 1988 Convention, see *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1996* (United Nations publication, Sales No. E.97.V.5), chap. VI, sect. 19.

[10] United Nations, *Treaty Series*, vol. 1155, No. 18232.

[11] More responses to the questionnaire for 1997 are expected by the end of 1998.

[12] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1997 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.98.XI.4).

[13] *Official Records of the Economic and Social Council, 1998, Supplement No. 8* (E/1998/28), para. 54.

[14] Ibid., para. 59.

[15] Ibid., para. 63.

[16] Ibid., para. 56.

[17] Ibid., para. 58.

[18] Ibid., para. 61.

[19] Armenia, Aruba, Azerbaijan, Bosnia and Herzegovina, Cambodia, China, Croatia, Czech Republic, Gambia, Georgia, Jordan, Haiti, India, Kazakhstan, Lao People's Democratic Republic, Lesotho, Mali, Nepal, Netherlands Antilles, Pakistan, Romania, Russian Federation, Slovakia, Swaziland, Uganda, Tajikistan, Turkey, Turkmenistan and Venezuela.

[20] *Commentary on the Single Convention on Narcotic Drugs, 1961* (United Nations publication, Sales No. E.73.XI.4).

[21] *Commentary on the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961* (United Nations publication, Sales No. E.76.XI.6).

[22] *Commentary on the Convention on Psychotropic Substances* (United Nations publication, Sales No. E.76.XI.5).

Annex

Status of adherence to the international drug control treaties as at 30 June 1998

A. Single Convention on Narcotic Drugs of 1961 and that Convention as amended by the 1972 Protocol

1. The following 164 States are parties to the Single Convention on Narcotic Drugs of 1961[a] or are parties to that Convention as amended by the 1972 Protocol:[b]

Afghanistan,[c] Algeria,[c] Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus,[c] Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad,[c] Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of),[c] Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic,[c] Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein,[c] Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco,[c] Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua,[c] Niger, Nigeria, Norway, Oman, Pakistan,[c] Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey,[c] Turkmenistan, Uganda, Ukraine,[c] United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

B. Convention on Psychotropic Substances of 1971

2. The following 157 States are parties to the Convention on Psychotropic Substances of 1971:[d]

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Holy See, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

C. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

3. The following 147 States are parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988:[e]

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Monaco, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

4. On 31 December 1990, the European Community deposited its instrument of formal confirmation to the 1988 Convention (extent of competence: article 12).

Notes

[a] Entry into force: 13 December 1964.

[b] Entry into force: 8 August 1975.

[c] Party to the Single Convention on Narcotic Drugs of 1961.

[d] Entry into force: 16 August 1976.

[e] Entry into force: 11 November 1990.